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| 10/716,214      | 11/18/2003  | Jeffrey W. Harms     | GIL041/106830       | 4836             |

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SHUGHART THOMSON & KILROY, P.C.  
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Kansas City, MO 64105

EXAMINER

SELLS, JAMES D

ART UNIT PAPER NUMBER

1734

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/716,214

Applicant(s)

HARMS, JEFFREY W.

Examiner

James Sells

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 10, 18 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17, 19-21 and 23-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11-18-03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-9, 11-17, 19-21 and 23-27, drawn to a method and apparatus, classified in class 156, subclass 73.1.
  - II. Claims 10, 18 and 22, drawn to an article, classified in class 40, subclass 606.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as radio frequency welding.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Malcolm Litman (19,579) on December 6, 2004 a provisional election was made without traverse to prosecute the invention of group I, claims 1-9, 11-17, 19-21 and 23-27. Affirmation of this election must be made

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by applicant in replying to this Office action. Claims 10, 18 and 22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 11-17, 19-21 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archie, Jr. et al (US Patent 6,562,171) in view of Gill (US Patent 6,397,451).

Archie disclose a method and apparatus for making a two sided image. As shown in Figs. 1 and 2a-c, the system 10 comprises computer 12, printer 14, die cutter 16, adhesive applicator 17, and folder/cutter/sealer 18. Folder/cutter/sealer 18 includes creasing roll 85, conveying rollers 48, 50, 52 and 54, guide roller pairs 56, 58, 50, 62, 64 and 66 within folding section 68, sealing rollers 72 and cutter 75.

In operation, web 80 is printed with information by printer 14. An adhesive applicator (not shown) applies adhesive to area 84 on web 80 (see col. 5, lines 43-48). Applicator roller 94 applies web 90 to web 80. Roller 85 creases the webs along crease line 97. Folding section 68 folds the webs along crease line 97 and sealing rollers 72 bond sections 98 and 99 together in the manner claimed by the applicant.

However, Archie does not disclose the yard sign materials or ultrasonic bonding as claimed by the applicant. Regarding these differences, the applicant is directed to the reference of Gill.

Gill discloses a method for manufacturing a yard sign. As shown in Figs. 2-5, yard sign sheeting 10 is provided with adhesive covered raised sections 54a on one side and printing on the other. The sheeting is folded and ultrasonic energy is applied (see col. 3, lines 60-66) to bond sections 54a together in the manner claimed by the applicant.

It would have been obvious to one having ordinary skill in the art to employ yard sign material, as taught by Gill, in the method and apparatus of Archie as a matter of design choice based on desired characteristics of the articles being manufactured. In addition, it would have been obvious to one having ordinary skill in the art to employ ultrasonic welding, as taught by Gill, in the method and apparatus of Archie in order to facilitate manufacture of the signs.

Regarding claims 2-5, 12-14, 19-20 and 23-24, it is the examiner's position that the specific coatings (i.e. polyethylene) and printing technique (i.e. screen printing UV curable ink and UV curing the ink) are well known and conventional in the art and would have been obvious to employ in the above-described method and apparatus based upon desired physical properties of the materials employed.

Regarding claims 9, 16-17, 19, 21 and 26, it is the examiner's position that employing pairs of ultrasonic horns to weld opposed edges of sheet materials is well known and conventional in the art. Therefore it would have been obvious to one having

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ordinary skill in the art to employ a pair of ultrasonic horns in the method and apparatus of Archie in view of Gill as described above in order to facilitate welding of the materials.

### ***References***

7. References A-C are cited as prior art of interest.

### ***Telephone/Fax***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-1237. The examiner can normally be reached on Monday-Friday between 9:30 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



**JAMES SELLS  
PRIMARY EXAMINER  
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